

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

KRISTAN D. NELSON,

Case No. 1:11-cv-335

Plaintiff,

Weber, J.
Bowman, M.J.

v.

CLERMONT COUNTY VETERANS
SERVICE COMMISSION, et al.,

Defendants.

ORDER

Defendant has, to date, filed three separate motions to dismiss, two of which are addressed in a Report and Recommendation (R&R) filed this day. Partially in response to Defendant's second motion to dismiss, Plaintiff moved for leave to file a second amended complaint, which motion is also addressed (with a recommendation to grant in part) in the R&R filed herewith. Last, Defendant, with Plaintiff's consent, has filed a motion to vacate the dispositive motion deadline.

The record reflects that discovery has proceeded in a somewhat halting fashion, due in part to disputes concerning the proposed deposition of defense counsel, and the undersigned's grant of a protective order concerning that deposition as well as the deposition of a key witness. (See Docs. 59, 60). Plaintiff has filed objections to the latter order (Doc. 62), and the presiding district judge has scheduled a hearing on those objections for October 4, 2012. Nevertheless, the record presently reflects the

expiration of the discovery deadline on August 31, 2012, with status reports due on September 17, 2012, and a current dispositive motion deadline of October 1, 2012. (Doc. 47). Trial is presently scheduled for January 2013.

If the R&R filed this day is adopted and Plaintiff is permitted to further amend her complaint, and further depending on the hearing to be held before the presiding district judge on October 4, it is possible that additional discovery will be permitted and the trial date may be moved. In order to avoid further potential delays that may be occasioned by the recommended late filing of a second amended complaint, **IT IS ORDERED THAT:**

1. Plaintiff shall re-draft her second amended complaint in accordance with the R&R filed this day, and shall file that tendered complaint as a "Notice" of her tendered pleading on or before **September 21, 2012**.

2. Defendant's time to answer or respond to the second amended complaint shall not begin to run until or unless the presiding district judge adopts the R&R filed this day and orders the tendered second amended complaint to be filed;

3. Defendant's motion to extend the dispositive motion deadline (Doc. 84) is **GRANTED**. The present dispositive motion deadline of October 1, 2012 is vacated, as is the September 17, 2012 deadline for filing status reports;

4. The Court will set new deadlines, including a new deadline for discovery on new matters alleged in the second amended complaint, after United States District Judge Herman J. Weber rules upon both the R&R filed this day, and the objections concerning the deposition of Mr. Bare.

s/ Stephanie K. Bowman
Stephanie K. Bowman
United States Magistrate Judge